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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
UNITED STATES OF AMERICA :

- v. - : INFORMATION

ERIC FINGER, : S5 09 Cr. 948 (NRB)

Defendant. :

- - - - -x

COUNT ONE

The United States Attorney charges:

1. From at least in or about 2004 through in or about 2007, in the Southern District of New York and elsewhere, ERIC FINGER, the defendant, together with others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud and bank fraud, in violation of Sections 1343 and 1344 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that ERIC FINGER, the defendant, together with others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and

artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and an object of the conspiracy that ERIC FINGER, the defendant, together with others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

Overt Act

4. In furtherance of the conspiracy and to effect the illegal objects thereof, ERIC FINGER, the defendant, and others known and unknown, committed the following overt act, among others, in the Southern District of New York and elsewhere:

a. On or about October 18, 2005, FINGER wrote two checks in the amounts of approximately \$22,263.50 and \$5,400 to Reliable Capital from mortgage loan proceeds obtained from BNC Mortgage Inc. in connection with the sale of real property

located at 198 Hendrix Street, Brooklyn, New York, to the straw identity "Anisur Rahman."

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Conspiracy To Commit Wire Fraud and Bank Fraud)

The United States Attorney further charges:

1. From at least in or about November 2008 through at least in or about April 2009, in the Southern District of New York and elsewhere, ERIC FINGER, the defendant, together with others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud and bank fraud, in violation of Sections 1343 and 1344 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that ERIC FINGER, the defendant, together with others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and an object of the conspiracy ERIC FINGER, the defendant, together with others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

Overt Act

4. In furtherance of the conspiracy and to effect the illegal objects thereof, ERIC FINGER, the defendant, and others known and unknown, committed the following overt act, among others, in the Southern District of New York and elsewhere:

a. In or about November 2008, FINGER negotiated a short sale of 127 South First Avenue, Mount Vernon, New York (the "Property") with Wells Fargo Bank under fraudulent pretenses.

(Title 18, United States Code, Section 1349.)

FORFEITURE ALLEGATION

5. As a result of committing the bank and wire fraud offenses alleged in Counts One and Two of this Information, ERIC FINGER, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982, and Title 28, United States Code, Section 2461, all property constituting and derived from proceeds obtained directly and indirectly as a result of the offense alleged in Counts One and Two of the Information, including, but not limited to, approximately \$7,200,000, in that such sum in the aggregate represents the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

6. If any of the property described as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

other property of said defendant up to the value of the above
forfeitable property.

(Title 18, United States Code, Section 982; and
Title 21, United States Code, Section 853.)

A handwritten signature in black ink, appearing to read "Preet Bharara", is written above a horizontal line.

PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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18 U.S.C. § 1349

PREET BHARARA
United States Attorney
